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Cc: []
Bcc: []
From: CN=Phil North/OU=R10/O=USEPA/C=US
Sent: Fri 8/24/2012 9:09:33 PM
Subject: Clean Water Act 404(c) Proces
[404c Factsheet.pdf](#)

Hi Peter,

It was good to have the opportunity to talk with you this morning and I appreciate your staying to chat about Bristol Bay. Many of us who have been involved in the regulatory process for a long time are concerned with the state of permitting in Alaska today (state and federal). I really like your idea for getting people together to talk about what reasonable development in Alaska might look like, that takes into account our opportunity to avoid the ecological losses suffered in the past 400 years of development in North America. I think it will be an important discussion. We have healthy lands in Alaska, we should figure out how to keep them.

Here is the 404c factsheet. It is unfortunate that this is referred to as a "veto" authority. In fact we can also restrict discharge, not just prohibit it. That is where the discussion has ranged in terms of Bristol Bay, to create the terms under which discharge could happen. However we could prohibit discharge also. In fact the State of Alaska currently has a prohibition on discharge of materials in and within 100 feet of certain reaches of anadromous streams in the Bristol Bay Area (Mineral Closing Order 393). The closure includes part of the Pebble claim block on Upper Talarik Creek. It will be interesting to see if that closing order is conveniently withdrawn when/if it comes to permit review time.

Good luck on Tuesday.
Phil

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